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#8
7-1-03

01762.008300

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|----------------------------|
| In re Application of: | : | |
| |) | Examiner: J.A. Dillon, Jr. |
| Timo ERIKSSON et al. | : | |
| |) | Group Art Unit: 3651 |
| Application No.: 10/018,804 | : | |
| |) | |
| 35 U.S.C. §371 Filing Date: May 22, 2002 | : | |
| |) | |
| Original U.S. Filing Date: December 21, 2001 | : | |
| |) | |
| International Filing Date: June 19, 2000 | : | |
| |) | |
| For: METHOD AND APPARATUS | : | June 23, 2003 |
| FOR TREATING HIGH PRESSURE |) | (Monday) |
| PARTICULATE MATERIAL | : | |

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JUN 24 2003

GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

Applicants respectfully traverse the election of species requirement set forth in the Office Action dated May 21, 2003.

In the Office Action, the Examiner asserts that the subject application contains claims directed to three patentably distinct species of the invention. As asserted by the

Examiner, Species I reads on Figure 1; Species II reads on Figures 2; and Species III reads on Figure 3.

A careful review of the subject application reveals that the various embodiments are so closely related as to not require separate fields of search. Accordingly, neither Applicants nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicants submit that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering the subject invention.

Still further, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 CFR 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.


Nevertheless, in order to comply with the requirements of 37 CFR 1.146 and MPEP § 809.02(a), Applicants provisionally elect, with traverse, to prosecute the invention of Species I. Applicants submit that claims 26-30, 37-43, 49 and 50 read on the elected species, with claims 26 and 40 being generic. Notably, independent claim 26 recites a method of conveying particulate material containing reaction products of a high pressure reactor, from a supply vessel to a receiving vessel, by using a particular apparatus, whereas independent claim 40 recites an apparatus for pneumatically conveying particulate material

containing reaction products from of a high pressure reactor from a supply vessel to a receiving vessel. Species II and III, illustrated in Figures 2 and 3, respectively, are related to certain arrangements for releasing the pressure in the collecting vessel. According, Applicants believe that independent claims 26 and 40 each reads on each of the species, and thus, are generic.

Applicants further submit that the instant application is in condition for allowance. Favorable consideration and early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
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Registration No. 33,326

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timo ERIKSSON et al.

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For: METHOD AND APPARATUS
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Sir:

Transmitted herewith is a Response to Election of Species Requirement in the above-identified application.


☒ No additional fee is required.

The fee has been calculated as shown below:

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|---------------------------------------|------------------|----------------|-------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 25 | MINUS | 25 | = 0 | x \$9 \$18 | \$0.00 |
| INDEP. CLAIMS | 2 | MINUS | 3 | = 0 | x \$42 \$84 | \$ 0.00 |
| Fee for Multiple Dependent claims \$140/\$280 | | | | | | — |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$0.00 |

- ☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.
- ☐ A check in the amount of \$_____ is enclosed including the additional claims fees.
- ☐ Charge \$____ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.
- ☐ A check in the amount of \$_____ to cover the fee for a ____ month extension is enclosed.
- ☐ A check in the amount of \$____ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address given below.

Respectfully submitted,


Attorney for Applicants
Steven E. Warner
Registration No. 33,326

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